

EXHIBIT H

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

DECLARATION OF BARBARA EINZIG

I, Barbara Einzig, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based upon my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was a resident of lower Manhattan and present at my home when the first passenger jet, American Airlines Flight 11, struck the World Trade Center's (WTC's) North Tower.

4. At the time of these terrorist attacks, my residence was located on the 27th floor in Gateway Plaza, which is a residential apartment building complex that was closest to the WTC Towers (located directly across the street from the WTC). I lived and worked as a business consultant from my home apartment at the time of the 9/11 attacks.

5. I heard an explosion when Flight 11 plunged into the upper section of the North Tower. Following the impact, I went downstairs from my apartment to the front entrance of Gateway Plaza, located where South End Avenue ends across the street from the Financial Center, immediately adjacent to the South Tower. I stopped in front of the parking garage located there and saw horrific scenes as numerous people jumped to their deaths from the North Tower and glass fell. The scene looked like a war zone.

6. When the second passenger jet, United Airlines Flight 175, struck the South Tower right in front of us and over our heads, I turned from the base of the South Tower and I ran to escape from the area. I attempted to escape from the area and the falling debris through the back gate of the property but it was locked. I had to jump down from the retaining wall that is the border between the Gateway Plaza property and the esplanade. As I jumped down to escape to the river side, I severely injured my right ankle.

7. Despite my right ankle injury, in shock I fled up the esplanade by the West Side highway to escape from the area, hearing the collapse of the South Tower and the screaming without knowing what had just happened. As the North Tower later imploded and collapsed, I had managed to escape to an area that was a number of blocks north. During my escape, I became coated with the WTC building dust and debris that now covered the downtown area.

8. I located a friend and stayed in her apartment on the Lower East Side after the 9/11 attacks had ended. I returned to my apartment on September 12, 2001 in order to retrieve my purse and minimal clothing and my laptop, climbing the twenty-seven floors in the dark stairwell accompanied by officers with the United States National Guard. The amount of contaminated dust, debris, and material in the Gateway Plaza building was overwhelming. Due to the fact that the northern side and entrance of the Gateway Plaza complex had been penetrated and blocked by

debris (large steel beams, panes of glass, objects fallen from the planes) from the collapsed towers, accessing my building was only possible from the western rear entrance.

9. In late September 2001, Southern Battery Park City had additional access and I filled out paperwork with the American Red Cross (ARC). ARC gave me a voucher for a temporary apartment for two months, and I was allowed to enter my Gateway Plaza apartment in October 2001 to clean the massive amounts of building dust and debris that had settled in my home and to discard all soft belongings, which were penetrated by the dust.

10. While cleaning the dust and debris from my Gateway Plaza apartment, I experienced increasing respiratory symptoms, nosebleeds, bad headaches and rashes. I immediately sought treatment for my inhalation injuries from the World Trade Center Health Program for rescue workers (Icahn) at Mount Sinai hospital. In the months and years after 9/11, I received treatment for my 9/11-related injuries from various doctors and medical specialists.

11. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant documents and medical records¹ related to the injuries that I suffered and the treatment that I received following the September 11, 2001 terrorist attacks. As a result of these attacks and my exposure to the WTC building dust and debris, I suffered the following physical injuries: a right ankle injury (right posterior tibial tendonitis/dysfunction)², World Trade Center cough³, gastroesophageal reflux disease (GERD)⁴, asthma (obstructive airway disease)⁵, sinusitis (upper respiratory disease)⁶, and skin cancer (basal cell carcinoma)⁷.

¹ See, 9/11 Injury Records of Barbara Einzig (EINZIG_MEDS_0001), attached hereto as Exhibit B, at 0001-0028.

² *Id.* at 0005, 0009, 0012-0017, 0019, 0022-0025, and 0028.

³ *Id.* at 0006, 0015, and 0025.

⁴ *Id.* at 0001, 0005, 0015, 0018, 0021, 0025, and 0027.

⁵ *Id.* at 0001, 0005-0007, 0010, 0018, 0021-0022, 0025-0027.

⁶ *Id.* at 0001, 0005-0006, 0010, 0015, 0018, 0021, 0025, and 0027.

⁷ *Id.* at 0001, 0005, 0022-0024, and 0027.

12. I sought medical attention and treatment for my 9/11 injuries in the days, weeks, months, and years after these horrific events. I continue to take medication to treat my various 9/11 injuries, and I have experienced numerous gastrointestinal and respiratory complications in the years after these events ended.

13. I suffered, and continue to suffer, from anxiety, environmental hypersensitivity, and post-traumatic stress disorder⁸ (PTSD) as a result of these attacks and my experience on 9/11. The PTSD has exacerbated my physical conditions, and I continue to pursue treatment for my emotional injuries with a local psychotherapist.

14. My physical injuries, conditions, and emotional injuries caused by the 9/11 attacks have also been confirmed by the World Trade Center Health Program⁹, the September 11th Victim Compensation Fund (VCF)¹⁰, and the New York State Office of Victims Services (Crime Victims Board).

15. I previously pursued a claim (Claim Number VCF 0011533) through the September 11th VCF specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this 15 day of March 2024.


Declarant Barbara Einzig

⁸ *Id.* at 0001, 0010, 0015, 0018, 0021-0022, 0025, and 0027.

⁹ *Id.* at 0001-0002.

¹⁰ *Id.* at 0003-0005.

**EXHIBITS
FILED
UNDER SEAL
(ECF No.
5716)**